

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

TONY B GASKINS et.al

C.A. NO. 05-11230-JLT

V.

KATHLEEN DENNHEY et.al
Defendants

PLAINTIFF'S MOTION TO PROCEED BY
INFORMA PAUPERIS VERIFIED

NOW COMES PLAINTIFFS MAC HUDSON and REMAINING PLAINTIFFS, WHO RESPECTFULLY MOVES THIS HONORABLE COURT TO WAIVE FILING FEES AND PERMIT THEM TO PROCEED BY INFORMA PAUPERIS FOR THE FOLLOWING REASONS:

1. PLAINTIFFS ARE UNABLE TO PAY FILING FEES OR MAKE PARTIAL PAYMENT WITHOUT DEPRIVING THEMSELVES OF THE BASIC NECESSITIES OF LIFE i.e. COSMETICS, CLOTHING, SUPPLIES. SEE STATEMENT OF PRISON ACCOUNT AND WAIVER OF FEES / AFFIDAVIT OF INDIGENCY ATTACHED HERETO.

2. THE INFORMA PAUPERIS PERMITS THIS COURT TO TAKE INTO ACCOUNT PLAINTIFF'S OVERALL CONFINEMENT CONDITIONS SUCH AS THOSE ENLISTED IN PARA. 1. THAT STRAINS PLAINTIFFS ABILITY TO PAY IN FULL OR MAKE PARTIAL PAYMENT. ADKINS V. E.I. DUPONT DE NEHOURS & CO, 335 U.S. 331, 339 (1948) (LITIGANTS NEED NOT GIVE

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2. THEIR "LAST DOLLAR AND THUS MAKE THEMSELVES AND THEIR dependants WHOLLY destitute" TO PROCEED VIA IN FORMA PAUPERIS); ACCORD, SOUNDER V. MCGUIRE, 516 F.2d. 820, 824 (3rd. Cir 1975); ("[W]e do NOT THINK THAT PRISONERS MUST TOTALLY deprive THEMSELVES OF THESE SMALL AMENITIES OF LIFE WHICH THEY ARE PERMITTED TO ACQUIRE IN PRISON OR MENTAL HOSPITAL beyond food, CLOTHING, and Lodging). FERGUSON V. DIER-ZIMMEL, 809 F. Supp. 668, 669 (E.D. Wisc. 1992) (GRANTING IFP STATUS TO a PLAINTIFF WITH \$216. IN HIS ACCOUNT).

3. SEE ALSO, AYRES V. EGGERS, 145 F.R.D. 99, 101 (D.Neb. 1992) WIIDEMAN V. HARPER, 754 F. Supp. 808, 810-13 (1990). PLAINTIFF'S PRESENT CONFINEMENT OF NECESSITIES HAVE BEEN OUTLINED IN WINTERS V. COMM'R OF CORRECTIONS, Midd. Sup. Ct. CA. #00-05098-F; WELSH V. COMM'R OF CORRECTION, 00-4998-F, pg 1-6; ATTACHED HERETO; SCHMITT V. COMM'R OF CORRECTION, Suffolk, Sup. Ct. CA. #99-4305 HOOKER V. MALONEY, Sutt. Sup. Ct. C.A. NO. 98-0019. IN LIGHT OF THE DAILY NECESSITIES, ATLEAST ONE PLAINTIFF HAS BEEN FOUND INDIGENT. SEE HUDSON V. DENNHY, Sutt. Sup. Ct. C.A. NO. 05-00749-D 6/10/05 ATTACHED. HERETO. WAIVER OF \$275. FILING FEE.

CONCLUSION:

WHEREFORE PLAINTIFFS RESPECTFULLY REQUEST FOR THEIR MOTION TO PROCEED BY IN FORMA PAUPERIS BE GRANTED.

Respectfully Submitted

Pro-se

Mac Hudson

MAC Hudson

P.O. Box 100

S. WALPOLE MA. 02071

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VERIFICATION OF MOTION

PLAINTIFFS ON RECORD HAVE READ PARAGRAPHS 1
THRU 3 AND SWAR UNDER THE PAINS AND PENALTIES OF PERJURY
THAT THEY ARE TRUE TO THE BEST OF THEIR RECOLLECTION

Mac Hudson
Jim Fine
Robert Brown
Samuel Correa
Jeffrey Hardy
Isidore Khun
Zakariya Bush
Prince Moses
Derrick Tyler
Steven Jacobson
Timothy Higgins
Carl Williams

Respectfully Submitted
 PRO-SC

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Prince Moses

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Derrick Tyler

DERRICK TYLER

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Orrin Simmons

ORRIN SIMMONS

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Jeffrey Hardy

JEFFREY HARDY

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Trevor Higgins

TREVOR HIGGINS

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Samuel Correa

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Robert Brown

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Barry O'Connell

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Steve Jacobbe

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